

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	No. CR-19-200-C
)	
ROBERT DALE SPENCE,)	
)	
Defendant.)	

ORDER

Now before the Court is Defendant's Motion to Continue. (See Dkt. No. 19.)

In the motion, Defendant moves for a delay in the current trial date from October to November. He seeks to do so because the Government has recently introduced—in response to his Motion to Suppress (Dkt. No. 16), which is still pending before the Court—new evidence that was not previously disclosed. The Government objects and contends that this evidence did not become relevant until Defendant filed his Motion to Suppress. The Court finds that Defendant is entitled to fully review the new evidence that has been introduced by the Government. Particularly here, moreover, where the Court needs to hold an evidentiary hearing on the Motion to Suppress prior to trial, the Court finds that a one-month continuance serves the ends of justice. The Court further finds that the one-month delay is excludable under the Speedy Trial Act. See 18 U.S.C. § 3161(h)(1)(D) (excludable delay includes “delay resulting from any pretrial motion, from the filing of the motion through the

conclusion of the hearing on, or other prompt disposition of, such motion”).

Accordingly, Defendant’s Motion to Continue (Dkt. No. 19) is GRANTED.

IT IS SO ORDERED this 3rd day of October, 2019.



ROBIN J. CAUTHRON
United States District Judge